

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JOSE RODRIGUEZ-AVELINO,

Defendant.

Case No. 2:09-CR-00213-KJD-RJJ

ORDER

Before the Court is the Government's Motion to Waive Attorney-Client Privilege and to Order Former Counsel to Provide Information Addressing Allegations in Defendant's 28 U.S.C. § 2255 Motion (#35) and the Government's Motions to Extend Time (##33 and 36).

Defendants waive their attorney-client privilege as to a given subject by alleging ineffective assistance counsel as to that subject. See United States v. Ortland, 109 F.3d 539, 543 (9th Cir. 1997). Here, Defendant has waived his attorney-client privilege as to discussions relating to the impact of pleading guilty on future citizenship in the United States by alleging ineffective assistance of counsel as to this subject. Accordingly, **IT IS HEREBY ORDERED** that the Government's Motion to Waive Attorney-Client Privilege and to Order Former Counsel to Provide Information Addressing Allegations in Defendant's 28 U.S.C. § 2255 Motion (#35) is **GRANTED. IT IS FURTHER ORDERED** that Raquel Lazo, Defendant's former counsel, file an affidavit with the Court

1 addressing the allegations of ineffective assistance of counsel in Defendant's 28 U.S.C. § 2255
2 motion within 30 days of the date of this order. Ms. Lazo must also provide copies of her affidavit to
3 the Government and Mr. Rodriguez-Avelino.

4 Having reviewed the Motions to Extend Time, and good cause appearing, **IT IS HEREBY**
5 **ORDERED** that the Government's Motions to Extend Time (## 33 and 36) are **GRANTED**. The
6 Government is granted 30 days to respond to Defendant's 28 U.S.C. § 2255 Motion upon the filing
7 of Ms. Lazo's affidavit addressing Defendant's allegations.

8 DATED this 22nd day of August 2013.

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12 Kent J. Dawson
13 United States District Judge
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